

Remarks

Reconsideration and allowance in view of the comments which follow are respectfully requested.

Claims 1-23 remain pending in this application. No claim amendments are being presently proposed. The listing of claims shows all of the amendments made from the original issued patent.

In the Office Action dated December 4, 2007, the Examiner rejected claims 1-23 as being allegedly obvious over Montana Burst in Gram Faceting Designs (“GFD” or “Montana Burst”) in view of Grossbard U.S. Patent No. 4,020,649 (“Grossbard ‘649” or Grossbard”).

The Examiner stated that the Declarations filed November 5, 2007 were found to be insufficient to overcome the obviousness rejections.

The Examiner said that the declarations address secondary considerations of non-obviousness, i.e., commercial success, and that the declarations were not found to be persuasive to overcome the rejections, citing various reasons.

Applicant respectfully traverses the rejection based on obviousness for the reasons stated in the previous filing on November 5, 2007 and based on the factual evidence submitted by the Declarations. Without conceding the correctness of the Examiner’s position, but solely to advance prosecution, applicant submits the Supplemental Declaration of Detra Segar which addresses the very reasons alleged by the Examiner that the commercial success Declarations were insufficient. Applicant respectfully directs the Examiner’s attention to paragraphs 6-9 of the Segar Supplemental Declaration which with the original points 1-5 and other evidence previously submitted, establish a strong case of commercial success sufficient to overcome the Examiner’s position that it would have been obvious to combine the prior art to arrive at the invention.

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In view of the foregoing, applicant believes that the application is in condition for allowance, and such action is earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Response. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



Peter J. Phillips
Registration No. 29,691
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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 3/10/08
Peter J. Phillips Date
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